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FILED
U.S. MAGISTRATE JUDGE

DATE: October 3, 2024

TIME: 9:20 AM

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DEOLEGARIO TALAMANTES-
HERRERA,

aka "Olegario Talamantes-Herrera,"
aka "Joaquin Talamantes-De La Rocha,"
aka "Joaquin De La Rocha,"
aka "Joaquin Talamantes,"
aka "Miguel Urias Herrera,"

Defendant.

Case No. 2:24-mj-00822-EJY

CRIMINAL COMPLAINT
for violation of Deported Alien
Found in the United States
(8 U.S.C. § 1326(a) and (b))

BEFORE the Honorable Elayna J. Youchah, United States Magistrate Judge, Las

Vegas, Nevada, the undersigned Complainant, being duly sworn, deposes and states:

COUNT ONE

Deported Alien Found in the United States
(8 U.S.C. § 1326(a) and (b))

On or about September 20, 2024, in the State and Federal District of Nevada,

DEOLEGARIO TALAMANTES-HERRERA,
aka "Olegario Talamantes-Herrera,"
aka "Joaquin Talamantes-De La Rocha,"
aka "Joaquin De La Rocha,"

1 aka "Joaquin Talamantes,"
2 aka "Miguel Urias Herrera,"

3 defendant herein, an alien, was found in the United States after having been deported and
4 removed therefrom on or about August 19, 2013, and August 6, 2019, having reentered and
5 remained in the United States, and not having obtained the express consent of the Attorney
6 General of the United States or the Secretary of Homeland Security to reapply for admission
7 to the United States, in violation of 8 U.S.C. § 1326(a) and (b).

8 **PROBABLE CAUSE**

9 I, Christopher Clark, state the following as and for probable cause.

10 1. I was employed by the United States Department of Homeland Security
11 ("DHS"), United States Border Patrol ("USBP"), as a Patrol Agent ("PA") from
12 November 2010 to October 2017. Since October 2017, I have been employed by DHS,
13 Immigration and Customs Enforcement ("ICE"), as a Deportation Officer ("DO"). I am
14 currently assigned as a DO to the Las Vegas Office's Enforcement and Removal
15 Operations Criminal Prosecution's Section. In this capacity, I investigate and process
16 various immigration-related offenses, primarily focusing on obtaining federal prosecutions
17 and indictments for violent or dangerous criminal aliens, such as violations of 8 U.S.C.
18 §§ 1325 and 1326.

19 2. This Affidavit is made in support of a criminal complaint against
20 DEOLEGARIO TALAMANTES-HERRERA, also known as Olegario Talamantes-
21 Herrera, Joaquin Talamantes-De La Rocha, Joaquin De La Rocha, Joaquin Talamantes,
22 and Miguel Urias Herrera, for a violation of 8 U.S.C. § 1326(a) and (b), Deported Alien
23 Found in the United States. The information contained in this Affidavit is based on my own
24 personal investigation and information communicated to me by other law enforcement

1 officers with personal knowledge of facts relevant to this investigation. The Affidavit is
2 intended only to show that there is probable cause for the requested complaint and does not
3 purport to set forth all of my knowledge of, or investigation into, this matter.

4 3. On September 20, 2024, an ICE deportation officer encountered the
5 Defendant, who had been arrested by state law enforcement, in Clark County, Nevada.
6 Because ICE records indicated that Defendant is a citizen and national of Mexico, by virtue
7 of birth, who was previously removed from the United States and because Defendant was
8 not in possession of valid immigration documents allowing him to be present or remain in
9 the United States, ICE lodged a detainer with the county detention facility where he was in
10 then in custody. Defendant was taken into ICE custody on September 20, 2024, from the
11 Clark County Detention Center.

12 4. On or about September 30, 2024, I reviewed printouts from the Federal
13 Bureau of Investigation ("FBI") relating to Defendant. Based on my training and
14 experience, I know that the FBI databases contain records of arrests and convictions of
15 individuals, based on an individual's FBI number. I also know that an FBI number is
16 assigned based on unique fingerprint characteristics, and that police departments routinely
17 fingerprint each person who is booked into custody for identification purposes and
18 inclusion into criminal history databases.

19 5. A query of Defendant's automated criminal history confirmed that he had
20 been convicted of the following felony prior to his most recent removal, which subjects him
21 to the heightened penalty provisions of 8 U.S.C. § 1326(b): on or about March 29, 2018,
22 Defendant was convicted of driving under the influence, in violation of N.R.S. 484C.110,
23 484C.400, 484C.105, in the Eighth Judicial District Court, Clark County, Nevada, Case
24 No. C-18-328981-1.

1 6. On or about September 30, 2024, I obtained the DHS Administrative File
2 (“A-File”) for the subject assigned Alien Registration Number 205 576 336, whose name of
3 record is “Deolegario Talamantes-Herrera” (hereinafter, the “Talamantes-Herrera A-File”).
4 Based on my training and experience, I know that a DHS A-File is a file maintained by
5 DHS in which immigration records are maintained for an alien admitted to, or found in, the
6 United States. I also know that a DHS A-File usually contains photographs, fingerprints,
7 court records of conviction, and all records relating to deportation or other actions by DHS
8 – or its predecessor, the Immigration and Naturalization Service (“INS”) – with respect to
9 the subject alien for whom the DHS A-File is maintained. As discussed in more detail
10 below, my review of the Talamantes-Herrera A-File confirmed that this A-File corresponds
11 with Defendant.

12 7. The Talamantes-Herrera A-File contained the following documents and
13 information, among other things, regarding Defendant’s immigration status:

14 a. A Sworn Statement admitting alienage and removal history dated
15 September 20, 2024.

16 b. Executed Warrants of Removal/Deportation (ICE Forms I-205)
17 indicating that Defendant was officially removed and deported from the United States to
18 Mexico on or about August 19, 2013, and August 6, 2019. I know from my training and
19 experience that a Warrant of Removal/Deportation (ICE Form I-205) is executed each
20 time a subject alien is removed from the United States by ICE (and in the past by its
21 predecessor agency, the INS) and usually contains the subject’s photograph, signature,
22 and/or fingerprints. The executed Warrants of Removal/Deportation (ICE Form I-205)
23 referenced above that I found in the Talamantes-Herrera A-File contains Defendant’s
24 photograph, signature, and fingerprints.

1 c. A Record of Deportable / Inadmissible Alien (Form I-213) dated
2 September 20, 2024, which states that Defendant is a native and citizen of Mexico.

3 8. On or about September 30, 2024, I reviewed certain printouts of ICE
4 computer indices contained in the Talamantes-Herrera A-File. Based on my training and
5 experience, I know that ICE computer indices track and document each time an alien has
6 been deported from the United States by ICE (or previously by the INS) or was granted
7 permission to enter or re-enter the United States. The ICE computer indices confirmed that
8 Defendant had been removed and deported on or about the date indicated on the Warrant
9 of Removal/Deportation (ICE Form I-205) found in the Talamantes-Herrera A-File.

10 9. Based on my review of the Talamantes-Herrera A-File, I determined that it
11 does not contain any record of him ever having received permission from the Attorney
12 General or his designated successor, the Secretary of Homeland Security, to legally re-enter
13 the United States. Based on my training and experience, I know that such documentation is
14 required to re-enter the United States legally after deportation and that, if such
15 documentation existed, it would ordinarily be found in the Talamantes-Herrera A-File.

16 10. Based on my training, experience, and review of the contents of the
17 Talamantes-Herrera A-File, in particular the Warrant of Removal/Deportation, which
18 indicates that Defendant had been deported to Mexico, I determined that Defendant is an
19 alien – that is, a citizen of Mexico.

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1 11. Based on the above, I believe there is probable cause that DEOLEGARIO
2 TALAMANTES-HERRERA did violate 8 U.S.C. § 1326(a) and (b) (Deported Alien Found
3 in United States).

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5 
6 Christopher Clark, Deportation Officer
Immigration and Customs Enforcement

7 Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 b y
8 telephone on this 3rd day of October, 2024.

9 
10 HON. ELAYNA J. YOUCHAH
UNITED STATES MAGISTRATE JUDGE